

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:13-cv-659-RJC
(3:11-cr-139-RJC-1)

NEAL ALVIN POWELL,)
Petitioner,)
vs.) **ORDER**
UNITED STATES OF AMERICA,)
Respondent.)

THIS MATTER is before the Court on the pro se Petitioner's Notice of Voluntary Dismissal. (Doc. No. 3).

Under Rule 41 of the Federal Rules of Civil Procedure, a petitioner may take a voluntary dismissal without a court order “before the opposing party serves either an answer or a motion for summary judgment.” See FED. R. CIV. P. 41(a)(1)(A)(i). Petitioner states in his notice of voluntary dismissal that he seeks dismissal “for no other reason than it being a right of the movant pursuant [to] the rules of civil procedure.” (Doc. No. 3 at 1).

A voluntary dismissal under Rule 41(a)(1)(i) is “a matter of unconditional right and is self-executing, i.e., it is effective at the moment the notice is filed with the clerk and no judicial approval is required.” In re Matthews, 395 F.3d 477, 480 (4th Cir. 2005). Because Petitioner filed the notice of dismissal before an answer or a summary judgment motion was filed, his notice of dismissal has terminated this action.

IT IS THEREFORE ORDERED that:

1. The Clerk is instructed to terminate this action.

Signed: June 2, 2014

Robert J. Conrad, Jr.

Robert J. Conrad, Jr.
United States District Judge

